



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: R. O'Farrell et al.  
Serial No.: 10/820,567  
Filed: April 7, 2004  
Customer No.: 33123  
For: **SYSTEM AND METHOD FOR  
CONTEXT SENSITIVE MOBILE  
DATA AND SOFTWARE UPDATE**  
Art Unit: 2681

### CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8

I hereby certify that this correspondence and the attached papers are being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated below in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

9/7/04  
Date

Michelle Molendy  
Signature

### INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE WITH 37 C.F.R. §§ 1.97-1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This Information Disclosure Statement is filed pursuant to 37 C.F.R. § 1.97(c) and includes a certification Statement in accordance with 37 C.F.R. § 1.97(e). The certification Statement applies to all items listed on the attached Form PTO-1449 (2 pages). Because this Information Disclosure Statement is filed prior to receipt of a First Office Action on the Merits for the above-captioned application, a fee for filing this statement should not be due. If, however, it is determined that a fee is due, any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§ 1.97-1.98. Form PTO-1449 (2 pages) and copies of the cited documents are provided herewith in connection with the above-captioned application.

The documents listed on the attached Form PTO-1449 are in the English language. The cited references that comprise issued U.S. patents and publications

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Information Disclosure Statement  
Page 2**

are not attached, per the Notice of waiver published in the Official Gazette on August 5, 2003. All of the documents were cited in a communication from a foreign patent office in connection with a counterpart foreign application not more than three months prior to the filing of the attached Information Disclosure Statement. A copy of the communication, International Search Report for International PCT Application PCT/US03/41041 (item N), is also provided. In accordance with the requirements of 37 C.F.R. § 1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

Applicant respectfully requests that the Examiner review the references and make them of record in the file history of the above-captioned application.

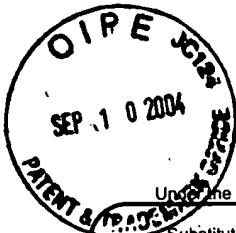
Respectfully submitted,  
**HELLER, EHRMAN, WHITE & McAULIFFE LLP**

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

Application Number	10/764,122
Filing Date	January 23, 2004
First Named Inventor	R. O'Farrell
Art Unit	2681
Examiner Name	Not yet assigned
Attorney Docket Number	07300-6275

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
A	US- 5,423,043		06/06/1995	Fitzpatrick et al.	
B	US- 5,463,555		10/31/1995	Ward et al.	
C	US- 5,581,753		12/03/1996	Terry et al.	
D	US- 5,664,207		09/02/1997	Crumpler et al.	
E	US- 5,857,201		01/05/1999	Wright, Jr. et al.	
F	US- 6,308,178		10/23/2001	Chang et al.	
G	US- 6,324,542		11/27/2001	Wright, Jr. et al.	
H	US- 6,604,110		08/05/2003	Savage et al.	
I	US- 2003/0074418		04/17/2003	Coker	
J	US- 2003/0187821		10/02/2003	Cotton et al.	
K	US- 2003/0204517		10/30/2003	Skinner et al.	
L	US- 2003/0217035		11/20/2003	Lai	
M	US- 2004/0093343		05/13/2004	Lucas et al.	
	US-				

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08B (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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(Use as many sheets as necessary)

Sheet

2

of

2

<b>Application Number</b>	10/820,567
<b>Filing Date</b>	04/07/2004
<b>First Named Inventor</b>	R. O'Farrell
<b>Art Unit</b>	2681
<b>Examiner Name</b>	Not yet assigned
<b>Attorney Docket Number</b>	07300-6276

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	N	International Search Report for PCT Application No. PCT/US03/41041.	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.  
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